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Social & Personal

The President on Friday received the Mayor of Jerusalem, Mr. Gershon Agnon. He also received Prof. David Dinger from Cambridge and Rabbi Dr. Zev D. Steinhaus of Copenhagen.

The Foreign Minister, Mrs. Golda Meir, on Friday separately received the Yugoslav Minister, Mr. Josip Velickovic, and the Gaullist Minister, Mr. Jean Garcia Grangaud. She also received Mr. Louis Lefkowitz, Attorney-General for the State of New York, and Mrs. Lefkowitz.

Mr. Lefkowitz was the guest of honour at a luncheon tendered by the United Jewish Appeal Israel Office at the Touring Club and attended by Justices Olsman and Cheshin, Attorney-General Haim Cohen, Mr. Moshe Kol, member of the Jewish Agency Executive, and Mr. Shlomo Eisenberg, Agency Secretary-General.

The Minister of Commerce and Industry, Mr. P. Sapir, held a dinner for the Export-Import delegation from the U.S. at the Dan Hotel in Tel Aviv on Friday. Also present were 25 Tel Aviv men and industrialists and senior Government officials.

The Minister of Religious Affairs, Mr. Moshe Shapiro, received on Friday Rabbi S. Freilich, to discuss the Rabbi's recent tour of Russia, Poland and Czechoslovakia. He also received Rabbi Steinhaus.

Judge Samuel Leibowitz from the U.S. here as the guest of the HaPoel Central was on Friday received by the Minister of Police, Mr. B. Shitreet, and the Prisons Commissioner, Mr. Z. Hermon. He later toured prisons in the Tel Aviv area.

The Haifa City Management held a reception yesterday for Hailem Leibowitz, the writer and Mrs. Leibowitz, Mrs. Shulam Nigroff widow of the noted critic, and Rabbi and Mrs. Morton Berman, of New York.

Mr. and Mrs. Avner Lewis of Orlando, Florida, are visiting Israel. Mrs. Lewis was Chairman of the Mid-Island Chapter of the Women's League for Israel.

The official inauguration of the Abraham Moses Building for the Institute of Jewish Studies will take place at a ceremony to be held on the Hebrew University campus at 11 a.m. today in the presence of President Ben-Zvi and Mr. Joseph M. Mazer. Special buses will leave from Terra Sancta building from 10:20 a.m.

Cinemas

JERUSALEM
At 1:30, 7 and 9
ARNON: Curious Beast of the Amazon.
EDEN: High Society.
ORGEL: Foreign Intrigue.
ORON: She's a Star. At 3, 6, & 9.
OSEN: The Devil.
SEMADEAR: White Christmas.
RON: "La Rue des Bouches Peintes."
IRON HALL: "Typhus" Ser Na.
EDISON: Giant. At 4:45 & 8:30.
STUDIO: Sabrina.

TEL AVIV
At 4, 7:30 and 9:30
ALEXANDER: Private War of Major Benson.
ARMON DAVID: "Una Partigina a Roma."
CHEN: The Baby and the Battie-ship.
DAI: Secret Island.
EDEN: Root Polish.
ESTHER: The Wings of Eagles.
MIGDAL: "Le Tsarévitch."
MOSE: "Le Amants." Ophir: "Les Carnets de Major Thompson."

ORION: Duna.
SHDORIM: Soldier of Fortune. Writer: Charlie Chaplin. Co-writer: A. L. Green.

TAMAR: The Far Horizons.
TCHELET: The Last 5 Minutes.
YARON: No Time for Flowers.
YATANNE: Tarzan's Savage Fury.
ZAFON: No Man's Woman.

HAI FA
ORION: "Le Escondida."
ATTA: Queen of the Desert. At 6 p.m. White.
PEK: "Fighting Am Ets."
GAL OR: The Killers. Matine: Prince of the Pirates.
ARMON: "Les Hommes." ARON: "Le Comte de Monte Cristo."
ORLY: "Le Roi des Herbes." At 4 p.m. Conquest of Everest.
ORAN: "Le Roi des Herbes." At 6 p.m. Charlie Chaplin Festival.
AMPHITHEATRE: "Cronaca Di Poveri Amanti."
MORIAH: Music for Millions.
MAY: War and Peace.

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PAGE TWO

LAW REPORT

The Jerusalem Post

July 28, 1957

In the Supreme Court Sitting as Court Of Civil Appeal (Justice Olsman, Justice Susman and Without)

The Custodian of Absentees' Property v. Menachem Zwilberg, Respondent (CA. 79/56). Initiation of Parties Chief Factor in Establishing Litigation or Tenancy

The Supreme Court allowed an appeal against a judgment of the Haifa District Court delivered on February 22, 1956 (C.C. 170/54).

The respondent, Menachem Zwilberg, occupied a vacant plot of land in Haifa on which he operated a mini-kim. In 1948, the owner of the plot — the Migdalim Company — started an apartment building on the plot. The parties eventually compromised, the company paying Mr. Zwilberg compensation and their lawyer undertaking to hold the plot for his purposes.

Eventually, in September 1951, through the offices of Mr. Solomon, the Migdalim company's attorney, Mr. Josep Garcia Grangaud, she also received Mr. Louis Lefkowitz, Attorney-General for the State of New York, and Mrs. Lefkowitz.

The president then went on to consider the criteria necessary for a relationship of tenancy between two parties, pointing out that there was nothing in law against the owner of property giving a licence to use the property to another.

The Custodian also demanded a guarantee of IL500 from which he would be entitled to deduct any sum as compensation for a breach of the agreement.

This guarantee was provided by the Migdalim company in accordance with the terms of their compromise arrangement with Mr. Zwilberg.

Then, the plot not having been renewed by the Supreme Court, the Custodian applied to the Execution Office to evict Mr. Zwilberg. The court received the IL500 guarantee from Migdalim, Mr. Zwilberg, turned applied to the Haifa District Court for a declaratory judgment that the offer of the plot as tenant and protected by the rent restriction ordinances — which application was granted by Judge Schall.

In the appeal against this judgment, Dr. Eliyahu Deputy State Attorney, assisted by Mr. Terzi, appeared for the Custodian of Absentees' Property and Dr. Lehman for the respondent.

The president, who delivered the main judgment of the Supreme Court, discussed the facts of the case in full and then pointed out that Judge Schall had rightly held that the appeal should be allowed only because the respondent had not proved that the IL500 guarantee had been given to the applicant in order to cover rent despite the fact that in accordance with the terms of the agreement occupation was to be rent free.

Appeal allowed with IL360 costs.

Judgment given on July 18, 1957.

In addition, the president continued, Judge Schall had held that, in accordance with the subjective test of intention, the fact that the Custodian had given the respondent exclusive possession of the plot and had regard to the IL500 as covering the rent for the use of the plot, indicated that it had been his intention to establish a relationship of tenancy between himself and the respondent.

However, the president held, there had been no proof whatsoever that the Custodian had demanded a payment of IL500 in order to cover the rent of the plot if the respondent overstated the agreed time, nor that this IL500 had not been demanded for the purpose of compensating the Custodian for any loss occasioned by the respondent's breach of the agreement — as claimed by the appellant. Therefore the IL500 guarantee afforded no proof whatsoever of the intent of the parties to establish a relationship of tenancy.

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Cultural Exchange

Prof. Kathai concurred and Justice Susman agreed that the appeal should be allowed only because the respondent had not proved that the IL500 guarantee had been given to the applicant in order to cover rent despite the fact that in accordance with the terms of the agreement occupation was to be rent free.

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Leadership of the

Supreme Court

despite the fact that the respondent had not broken any of the terms of the agreement — this was tantamount to his having collected rent for the period after the ex-

piration of the lease.

Judge Witkin concurred and Justice Susman agreed that the appeal should be allowed only because the respondent had not proved that the IL500 guarantee had been given to the applicant in order to cover rent despite the fact that in accordance with the terms of the agreement occupation was to be rent free.

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Prof. Kathai microfilmed a scroll combining the Pentateuch and the Prophets, with the signature of its owner, one Salid, who writes that he sold it in 847. There are also many items from the Firkowitsch collection at the Leningrad public library, the largest collection of Hebrew, Samaritan and early Karaitic manuscripts in the world.

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Cultural Exchange

Prof. Kathai met a number of Russian scholars and came to an agreement on a two-way cultural exchange — microfilms from the Soviet Union

by Mordchai Arieli. Artists

by Yosef Arad. Artists

THE JERUSALEM POST

Founded as The Palestine Post in 1920. Published daily except on Saturday in Jerusalem by The Palestine Post Ltd. Registered at the G.P.O.

Founder
GEREON AGRON

Managing Editor
T.D. R. LURIE

Editorial Office and Management
JERUSALEM, 9 Rehov Habazit,
P.O.B. 1125. Tel. 4251/2
TELE AVIV Bureau: 22 Nahalat
Binyamin, P.O.B. 1 Rehov Khatay
F.O.R. 64. Tel. 4884 (3 lines)
Annual Subscription:
Local - 1000
Abroad - 1100

Sunday, July 22, 1957
28 Tammuz, 5717 - 26 H-Hal. 1956

It has been easy for a variety of publications and many individuals to come to the conclusion that if three judges have issued formal criticism of the Chief of Police, and if the Police as a whole has, under close scrutiny, proved less than perfect, then the Police Chief should go.

There is some strength to the argument that, in general, persons holding public positions in Israel tend to consider their appointments as permanent, and view any suggestion of change as an imputation of improbity or at least gross inefficiency to be sharply opposed as such.

If appointments to senior civil service positions are all for life, there will be little inclination on the part of capable young people to join a service offering so little opportunity.

But on the other hand the severe criticism of Mr. Sahar's actions contained in the judgment, and some of it in the page that was lost in Court, was concerned mainly with the fact that the evidence which he gave in the course of a week's cross-examination in Court in Mr. Amos Ben-Gurion's successful libel case against Shurat Hamitavim, was confused, and in the judges' own words "his appearance in Court was a tragedy."

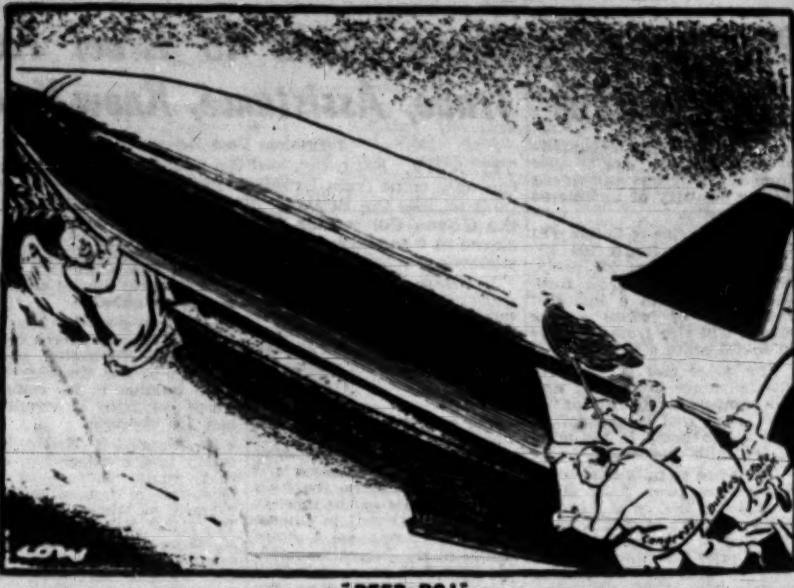
They did not discuss his performance and record as the builder of Israel's police force, and this was not their business. But it has offered a welcome opportunity for wholesale attacks by the same groups that welcomed the libel trial itself.

The Cabinet ministers who have now been supplied with the full text of the judgment will no doubt give serious thought to all the aspects of the case before drawing their conclusions.

It is interesting that less than a parliamentary inquiry has been requested by Shurat Hamitavim into the curious fact of the disappearance last week of one of the 58 pages of the judgment. It appears now that owing to last-minute additions by one of the judges there was only one complete copy of the judgment, in place of the three normally submitted. It was made available to the press only by being read out by one of their number. To suggest, as the Shura does in asking for public inquiry, that deliberate foul play or planned favouritism are involved is absurd, for the thief could not have known ahead that there would be only one full copy of the judgment. And as the missing passage was promptly reconstructed by the three judges who had not hesitated to say some hard things of the Inspector General of Police it would be grotesque to suppose that they could have been persuaded to amend the passage in the process of reconstruction.

As the judgment, in this case, was not even bound, it is a good deal more likely that the missing page was lost or perhaps even abstracted in the press scuffle to get a look at the material.

Whoever benefited by the disappearance, and the subsequent publicity, it was not the person referred to in the text of the passage, who merely suffered additional notoriety. But the Shura is still guided by groups concerned more with politics than with public morals — a distinction that was carefully noted by the judges — and those who seek integrity in public organizations will have to seek more single-minded allies than the Shura.



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Russia Short of Manpower

By EDWARD CRANKSHAW

LONDON (OFNS).—THE effects of the last war on the Soviet birthrate are at last beginning to show in measurable form.

In the past 15 months, membership of the League of Communist Youth, the *Komsomol*, has dropped by nearly two million from the membership of almost 20m, reported in the "Young Communist" in the autumn of 1955, to 18m, as reported by the same journal in April this year.

Since the *Komsomol* of the post-war years has been a mass organization of Soviet youth (very different in character from the pre-war *Komsomol*, which required of its young members a high degree of dedication), this decline in membership is a direct reflection of the low wartime birthrate, the result of widespread dislocation of life in the Soviet Union, the enforced separation over years of millions of families, and a starvation diet — to say nothing of the heavy casualties in the field.

Comparison with China

Last year the world was surprised to learn that the official estimate of the population of the Soviet Union stood at 200m, — about 200m less than was believed and less than nine million more than the officially estimated figure in 1940 (after the absorption of parts of Finland, Poland and Bessarabia).

For the previous five years the birthrate had remained static. In 1940 it stood at 37 per 1,000, in 1950 at 36, in 1953 at 24.9, in 1955 at 25.6.

Although over the same period the death-rate had been reduced from 18.3 per 1,000 in 1940 to 8.4 per 1,000 in 1955, the Soviet Government, deeply committed to the policy of populating vast areas hitherto only sparsely inhabited, is deeply concerned by the present situation — not least, perhaps, when it compares its own 200m souls with the 800m of China.

Dark Horses Compete In Argentine Election Today

By J. HALCRO FERGUSON

LONDON (OFNS).—ARGENTINA has been looking forward to today's elections for a Constituent Assembly with some nervousness. This is partly because there is no precedent in living memory for a reconsideration of the Constitution of 1853, which the elected Assembly will discuss.

Old Parties Split

Although the world at large still regards the manpower of the Soviet Union as inexhaustible, in fact it is nothing of the kind, and the manpower demands of the new industrial society face the Soviet leadership with one of its most urgent and difficult problems. Russia can no longer afford to squander its human material as Stalin squandered it for so long. A country desperately short of skilled labour can no longer afford to work its potentially most useful citizens to death in labour camps. One day it may be shown that the population problem which calls for the most intelligent use of the available labour force if it is to be solved at all, has had as much to do with the post-Stalin as with other purely political considerations.

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MUSICAL DIARY

Kol Yisrael Orchestra, Karel Tomaszewski, conductor; Tel Aviv, 10:30 P.M., July 23. All Beethoven Programme; Violin Concerto in D-major; Symphony No. 8 in F-major.

A capacity audience was drawn to the Auditorium by the all-Beethoven bill — the traditional inclusion of an Israeli composition having been dispensed with — and a guest artist from abroad in the eternally beautiful Violin Concerto.

Jan Tomasewski plays on a Stradivarius possessing all the qualities of these master violins. The artist has personality and experience and trained an appreciable technique and musical maturity. Some flaws were undoubtedly caused by the really oppressive heat, while Mr. Tomasewski's extensive use of rubato is a matter of taste. One would like to hear him again in a different programme in order to assess his potentialities more fully.

The orchestral works were given a rather routine reading. The overture lacked all the dramatic tension and contrasts, whilst the tremendous beauties of the Eighth Symphony were only touched.

The orchestra followed precisely the baton of the conductor who attended enthusiastically to his task.

Y. BOHRM

FOUR of the many non-

professional Jerusalemites

who manage to keep their well-trained voices in form

mainly through choir practice — have succeeded in setting up an "opera workshop" under the auspices of the Academy of Music, and a few days ago they delighted a group of guests with excerpts from Menotti's spirited grotesque opera "The Old Maid and the Thief".

The new politicians are, therefore, starting from scratch, and the electorate is being asked to vote for them.

Orchestra: Lilo Barkay, Shimshon and Ephraim Wagner, under their able and energetic coach, Arye Zemanek.

stood up to the test of this known gem of almost allegorical satire, which often demands a mixture of the grand style with tongue-in-cheek interpretation.

Of course the group is not yet satisfied with the results and intends to work mainly on the dynamics of the wonderfully roguish test, as well as on the acting. Their direction is already excellent. In a few months this gifted and enthusiastic foursome should be able to let the capital's public share its enjoyment — if it finds that godsend, a sponsor.

P. N.

W. HEN 22-year-old Rina Shouf, born in Haifa and trained at the Tel Aviv Music Academy, won this year's Ecole normale de musique contest out of a group of ten finalists, she received a warm personal letter of thanks from Alfred Cortot. She plans to participate at the Geneva concours in October before she returns to Israel.

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Parliamentary Report

Communist Heckling Holds Floor

By Aryeh Rubinstein

IT is a never-ending cause of amazement that the Communists would not continue to sit quietly in exchanges with the Government Ministers in the House of Commons, who can always be counted on to punch lower in the in-fighting. With all respect to the ability of Messrs. Ben-Gurion and Na'ama or Mrs. Meir, there is always the danger of the Government coming out second best. The latest example was last Wednesday, when the Foreign Minister replied to a motion for the agenda by Miss Esther Wilenska on the question of Israel's intentions with regard to the European Common Market.

Miss Wilenska claimed that Mrs. Meir had already held talks with the French Foreign Minister on the question of Israel's joining the Common Market. If this should come to pass, she said, it would lead to Cassandrian. It would lead to the hindrance of European countries' economic, political and military enslavement to the West German forces which are preparing World War III, together with their American partners.

More banging of the gavel, more threats by the Speaker, and more shouting from the anti-Communist benches. But aside from livening up the session and making publicity for the Communists it is difficult to see what the Government gained.

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